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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,304	02/09/2004	Chang-Ho Kim	1338-0178P	8740
2292 7590 10/11/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747			EXAMINER	
			HYLTON, ROBIN ANNETTE	
FALLS CHURCH, VA 22040-0747			ART UNIT	PAPER NUMBER
			3781	
•				
		·	NOTIFICATION DATE	DELIVERY MODE
			10/11/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

•						
	Application No.	Applicant(s)				
	10/773,304	KIM, CHANG-HO				
Office Action Summary	Examiner	Art Unit				
	Robin A. Hylton	3781				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DATE of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory period of Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUN 36(a). In no event, however, may a will apply and will expire SIX (6) MO , cause the application to become A	ICATION. I reply be timely filed INTHS from the mailing date of this communication. ABANDONED (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on 17 A	<u>ugust 2007</u> .					
2a) This action is FINAL . 2b) ⊠ This	This action is FINAL . 2b)⊠ This action is non-final.					
3) Since this application is in condition for allowar	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under E	Ex parte Quayle, 1935 C.I	D. 11, 453 O.G. 213.				
Disposition of Claims						
4) Claim(s) 6-12 is/are pending in the application.						
	4a) Of the above claim(s) is/are withdrawn from consideration.					
5) Claim(s) is/are allowed.	•					
6)⊠ Claim(s) <u>6-12</u>	,					
is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and/o	r election requirement.					
Application Papers						
9)☐ The specification is objected to by the Examine	ır					
10) The drawing(s) filed on is/are: a) accepted to 29 are Examine	•	by the Examiner				
Applicant may not request that any objection to the	· · · · · · · · · · · · · · · · · · ·	-				
Replacement drawing sheet(s) including the correct		• •				
11) The oath or declaration is objected to by the Ex						
Priority under 35 U.S.C. § 119						
12) ☐ Acknowledgment is made of a claim for foreign	priority under 35 I I S C	S 119(a) (d) or (f)				
a) All b) Some * c) None of:	priority under 33 0.3.6.	g 119(a)-(u) of (i).				
1. Certified copies of the priority document	s have been received					
2. Certified copies of the priority document		Application No				
3. Copies of the certified copies of the prior						
application from the International Bureau	-					
* See the attached detailed Office action for a list	, ,,,	t received.				
Attachment(s)						
1) Notice of References Cited (PTO-892)		Summary (PTO-413)				
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) 		(s)/Mail Date Informal Patent Application				
Paper No(s)/Mail Date	6) Other:					

Application/Control Number: 10/773,304 Page 2

Art Unit: 3781

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 17, 2007 has been entered.

Claim Rejections - 35 USC § 112

- 2. Claim 7 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no support in the disclosure as originally filed for container walls, a plastic coating layer on the walls, and an outer container shell. This is a **new matter** rejection.
- 3. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim sets forth the ring-shaped rim as defining a container outer shell, while the previous claim set forth container walls covered by a plastic layer integrally formed while the plastic ring and extending around the container body. What is the structural relationship between the container walls, the plastic layer and the container outer shell?

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Art Unit: 3781

5. Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitko et al. (US 6,649,891) in view of Les Promotions Atlantiques, Inc. (hereinafter LPA) (CA 2,314,537).

Kitko discloses a non-plastic container having a plastic coating layer on an exterior surface (see the abstract and col.8, lines 49-50), but is silent regarding the specifics of the claimed ring and lid locking arrangement. Kitko discloses that various lid arrangements are plausible (col. 8, line 23).

LPA teaches it is known to provide a container and lid with the specifics of the locking arrangement set forth in the instant claims.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of a closed ring-shaped plastic ring surrounding the container opening and provided with locking protrusions extending therefrom and a plastic lid provided with a U-shaped groove containing a sealing ring for engaging the container walls at said upper side thereof and further containing locking wings for engaging with the locking protrusions of the closed ring to the container of Kitko as a known alternative container and lid arrangement.

Response to Arguments

6. Applicant's arguments with respect to claims 6-12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant is duly reminded that a complete response must satisfy the requirements of 37 C.F.R. 1.111, including: "The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. A general allegation that the claims "define a patentable invention" without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section. Moreover, "The prompt

Application/Control Number: 10/773,304 Page 4

Art Unit: 3781

development of a clear Issue requires that the replies of the applicant meet the objections to and rejections of the claims." Applicant should also specifically point out the support for any amendments made to the disclosure. See MPEP 2163.06 II(A), MPEP 2163.06 and MPEP 714.02. The "disclosure" includes the claims, the specification and the drawings.

- 8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Various prior art closures teaching features similar to those disclosed and/or claimed are cited for their disclosures.
- 9. In order to reduce pendency and avoid potential delays, Group 3720/80 is encouraging FAXing of responses to Office Actions directly into the Group at (571) 273-8300. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into Group 3720 will be promptly forwarded to the examiner.
- 10. It is called to applicant's attention that if a communication is faxed before the reply time has expired, applicant may submit the reply with a "Certificate of Facsimile" which merely asserts that the reply is being faxed on a given date. So faxed, before the period for reply has expired, the reply may be considered timely. A suggested format for a certificate follows:

	s correspondence for Application Serial No k Office via fax number 571-273-8300 on the date	
Typed or printed name	of person signing this certificate	
Signature		•
Date		

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robin Hylton whose telephone number is (571) 272-4540. The examiner can normally be reached Monday - Friday from 9:00 a.m. to 4:00 p.m. (Eastern time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

Art Unit: 3781

supervisor, Anthony Stashick, can be reached on (571) 272-4561.

Any inquiry of a general nature or relating to the status of this application or proceeding may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Other helpful telephone numbers are listed for applicant's benefit:

- Allowed Files & Publication (888) 786-0101
- Assignment Branch (800) 972-6382
- Certificates of Correction (703) 305-8309
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- Information Help line 1-800-786-9199
- Internet PTO-Home Page http://www.uspto.gov

RAH September 30, 2007

> /Robin A. Hylton/ Robin A. Hylton Primary Examiner GAU 3781